

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

BRYAN COOK,

Defendant.

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) INFORMATION
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) Case No. 12-cr-5-wmc
) 18 U.S.C. § 1341
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)
)
)

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

Background

1. At times material to this indictment:

a. Metavante Corporation (Metavante), was a Wisconsin business that provided various banking support services to financial institutions such as account processing, online banking, and credit card services. In Madison, Wisconsin, Metavante maintained an office that housed its "Payment Solutions Group." Among other services, the Payment Solutions Group handled credit card servicing, fraud prevention, and credit card debt collection for financial institutions.

b. An individual referred to here as "Individual A" worked for Metavante for its Payment Services Group in Madison, Wisconsin. In 2004, Individual A was promoted to Collections Manager, a position he held until May 2007, when Individual A was terminated.

c. BRYAN COOK was the President and owner of a company (hereafter "Cook's Company") that provided debt collection services to Metavante.

d. Axony, LLC, (Axony) was a business that Individual A created on July 31, 2006.

Scheme to Defraud

2. During the period from on or about January 1, 2006, through on or about June 11, 2007, in the Western District of Wisconsin and elsewhere, the defendant,

BRYAN COOK,

executed a scheme to defraud Metavante and to deprive Metavante of Individual A's honest services.

3. It was part of the scheme that Individual A used his position at Metavante to maintain and expand the business relationship between Metavante and Cook's Company.

4. It was further part of the scheme that Individual A arranged for Cook's Company to obtain and retain a lucrative telephone call campaign directed at Clout Financial Services (Clout) customers who were delinquent on their credit card payments. In connection with this call campaign, Metavante paid Cook's Company 36 cents for each call to the delinquent Clout credit card customers. Between January 2006 and June 2007 Cook's Company charged Metavante \$156,925.44 for 335,496 calls.

5. It was further part of the scheme that COOK paid Individual A, as a "kickback," a portion of Cook's Company's per call charge to Metavante. Between March 2006 and May 2006, COOK paid Individual A slightly more than 10 cents per call. Between June 2006 and June 11, 2007, COOK paid Individual A on average 13.5 cents per call. For the 335,496 calls that Cook's Company placed for Metavante, COOK paid

Individual A \$56,863.

6. It was further part of the scheme that COOK made false and misleading notations on several of the checks that were used for the kickback payments to Individual A falsely indicating that the payments were for English to Spanish translation services, or for a "communications expense."

7. It was further part of the scheme that on July 31, 2006, Individual A created Axony and used that business entity, beginning in August 2006, as a vehicle to receive kickback payments from COOK that were paid through Cook's Company. Between July 31, 2006, and June 11, 2007, all of the revenue to Axony came from Cook's Company.

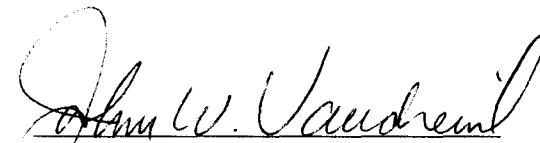
8. On or about August 2, 2006, in the Western District of Wisconsin and elsewhere, the defendant,

BRYAN COOK,

for the purpose of executing and attempting to execute the aforementioned scheme to defraud, knowingly caused an envelope to be delivered by mail according to the directions thereon, specifically, Metavante check # 64242 for \$4,912.92 payable to Cook's Company mailed from Brown Deer, Wisconsin to Madison, Wisconsin.

(In violation of Title 18, United States Code, Section 1341).

1/5/2012
Date


John W. Vaudreuil
United States Attorney